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KALIKO & YEAGER

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March 31, 2005

Application No. : 2,492,727
Owner : TWENTY YEAR INNOVATIONS, INC.
Title : METHODS AND APPARATUSES FOR PROGRAMMING
USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES
Classification : H04M-3/42
Your File No. : 51170-1D
Examiner : Kristy Hyam

YOU ARE HEREBY NOTIFIED OF :

- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE PATENT RULES;
- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SECTION 29 OF THE PATENT RULES.

IN ORDER TO AVOID MULTIPLE ABANDONMENTS UNDER PARAGRAPH 73(1)(A) OF THE PATENT ACT, A WRITTEN REPLY TO EACH REQUISITION MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined as originally filed.

The number of claims in this application is 57.

The examiner has identified the following defects in the application:

The search of the prior art has revealed the following:

References Applied:

PCT Application

98/11487 Mar. 19, 1998 G06F 13/00 Katz et al.

United States Patent

5,694,455 Dec. 2, 1997 H04M 11/00 Goodman

Katz et al. disclose a method and system of downloading digital information to a mobile digital information playback device.

Canada

PAGE 22/26 * RCVD AT 4/5/2006 1:28:06 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-5/14 * DNIS:2738300 * CSID:2018310519 * DURATION (mm-ss):06:50

PAGE 15/35 * RCVD AT 8/3/2006 4:48:20 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-1/3 * DNIS:2738300 * CSID:2018310519 * DURATION (mm-ss):09:22

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Goodman discloses a method and system for allowing a mobile user to select and download audio programs.

Obviousness

Claims 1-57 do not comply with section 28.3 of the *Patent Act*. The subject matter of claims 1-27 would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to Katz et al., and the subject matter of claims 28-57 would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to Katz et al. or Goodman.

Katz et al. discloses a system for providing digital information to a mobile device. This digital information can be either video or audio information. The user can browse the digital information available on a library server and select what to download. Authentication and encryption are provided to prevent the unauthorized downloading and copying of protected works. Goodman discloses a method and system specifically for downloading audio files to a mobile user terminal, as in claims 28-57. Thus, claims 1-57 are therefore obvious in view of the applied references.

Lack of Support

Claims 19-27 and 48-57 do not comply with section 84 of the *Patent Rules* because there is no support in the present description for the subject matter of these claims. Specifically, an Internet site with all of the claimed functionality is not present in the present description.

Claims 1-57 do not comply with section 84 of the *Patent Rules*. The description indicates on page 3, lines 7-28 and page 5, line 8 to page 6, line 3 that the communication links between the programmer, the source, and the device materially affects the way the invention works, and is therefore essential. In order to provide support for the utility as disclosed in the description, this feature has to be incorporated in these claims.

Description Informalities

On page 7, line 22, the term 'processor 40' should be changed to either 'processor 34' or 'SPC 40'.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

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Under subsection 29(1) of the *Patent Rules*, the applicant is requisitioned to provide an identification of any prior art cited in respect of the United States Patent and Trademark Office application describing the same invention on behalf of the applicant or on behalf of any other person claiming under an inventor named in the present application, and the patent number, if granted. Amendment to avoid references cited abroad may expedite the prosecution. In accordance with subsection 29(3) of the *Patent Rules*, if the particulars are not available to the applicant, the reason must be stated.

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